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1	KAMALA D. HARRIS		
2	Attorney General of California ARTHUR D. TAGGART		
3	Supervising Deputy Attorney General ELENA L. ALMANZO		
4	Deputy Attorney General State Bar No. 131058		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550 Telephone: (916) 322-5524		
7	Facsimile: (916) 327-8643 Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against: Case No. 2012-758		
12	CHERYL ANN JORDAN		
13	445 C. S. Paseo Sarta Green Valley, AZ 85614 A C C U S A T I O N		
14	Registered Nurse License No. 525724		
15	Respondent.		
16	Complainant alleges:		
17	<u>PARTIES</u>		
18	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her		
19	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),		
20	Department of Consumer Affairs.		
21	2. On or about August 23, 1996, the Board issued Registered Nurse License Number		
22	525724 to Cheryl Ann Jordan ("Respondent"). Respondent's registered nurse license expired on		
23	December 31, 2011.		
24	STATUTORY PROVISIONS		
25	3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that		
26	the Board may discipline any licensee, including a licensee holding a temporary or an inactive		
27	license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing		
28	Practice Act.		
	,		

- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct . . .
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Actions by the Arizona State Board of Nursing)

- 7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona State Board of Nursing ("Arizona Board"), as follows:
- a. On or about March 9, 2009, pursuant to Consent Agreement and Order No. 0701060 in the disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN137727 Issued to: Cheryl Ann Jordan", Respondent's Arizona registered nurse license was placed on probation for 18 months subject to certain terms and conditions. A true and correct copy of Consent Agreement and Order No. 0701060 is attached as **exhibit A** and incorporated herein by reference. Pursuant to the terms of the Order, Respondent admitted, in substance, as follows: In

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Hospital ("St. Joseph's") in Tucson, Arizona, through AMN healthcare (American Mobile), a nurse traveler agency. On or about February 12, 2007, the Arizona Board received a complaint from St. Joseph's, reporting that from December 2, 2006, to December 17, 2006, Respondent had excessive Pyxis withdrawals for Dilaudid, including withdrawals of Dilaudid for patients who did not have physician's orders for the medication. Further, Respondent failed to document the administration of Dilaudid removed from the Pyxis. The Board conducted an investigation of the complaint and found via a chart audit performed by St. Joseph's Hospital that the above allegations were sustained. From July 2007 to January 22, 2008, Respondent worked as a registered nurse at Avalon Health and Rehabilitation Center ("Avalon") in Tucson. On or about January 22, 2008, the Board received a complaint from Avalon, reporting that Respondent quit and walked out when she, along with other staff members, were asked to submit to a for cause drug screen following discrepancies with a patient's Fentanyl patch. One of Respondent's coworkers had also observed Respondent searching on-line for information about how long narcotics stayed in a person's system. Respondent claimed that she refused to have a drug screen because she had resigned before being asked to submit to the screen.

On or about June 2, 2011, pursuant to Findings of Fact, Conclusions of Law and Order No. 1002007 in the above-referenced disciplinary proceeding, the Arizona Board revoked Respondent's license for, among other things, failing to comply with the terms of her probation, including testing positive for Oxycodone on various urine drug screens and failing to submit to cetain urine drug screens. A true and correct copy of Findings of Fact, Conclusions of Law and Order No. 1002007 is attached as **exhibit B** and incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 525724, issued to Cheryl Ann Jordan:

Accusation

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED) .	
NURSE LICENSE NO.: RN137727)	
ISSUED TO:	.)	CONSENT AGREEMENT
)	AND
CHERYL ANN JORDAN)	ORDER NO. 0701060
RESPONDENT) .	

CONSENT AGREEMENT

A complaint charging Cheryl Ann Jordan ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. Respondent holds Board issued registered nurse license no. RN137727.
- 2. The Board received a complaint on or about February 12, 2007 from St. Joseph's Hospital reporting from or about December 2, 2006 and December 17, 2006 Respondent had excessive Pyxis withdrawal for Dilaudid including withdrawal of Dilaudid for patients for whom there was no physician's order and failure to document the administration of Dilaudid removed from the Pyxis.

- 3. In or about December 2006, Respondent worked as a registered nurse at Carondelet St. Joseph's Hospital (St. Joseph Hospital) in Tucson, Arizona through AMN Healthcare (American Mobile), a travel agency.
- 4. Based on the complaint from St. Joseph Hospital, the Board conducted an investigation. A chart audit performed by St. Joseph Hospital revealed the following.
- a. On or about December 2, 2006, Respondent removed 2 mg of Dilaudid for patient M.M. There was no physician's order for Dilaudid or documentation showing the Dilaudid was given.
- b. On or about December 2, 2006, Respondent removed 2 mg of Dilaudid for patient M.C., a nine month old patient who came into the emergency department for a cough and fever.

 There is no physician's order for Dilaudid or documentation showing the Dilaudid was given.

 Respondent told Board staff she removed the Dilaudid for the wrong patient.
- c. On or about December 5, 2006, Respondent removed a total of 4 mg of Dilaudid for patient V.A. The Pyxis record reflects 1 mg was witnessed as wasted. However, Respondent did not document the administration of 3 mg Dilaudid.
- d. On or about December 6, 2006, Respondent removed a total of 4 mg of Dilaudid for patient K.S. There is no physician's order for Dilaudid or documentation showing the Dilaudid was given.
- e. On or about December 11, 2006, Respondent documented in the nurse's notes she administered Dilaudid to patient R.M. at 8:30 a.m. There is no documentation showing Dilaudid was removed from the Pyxis at or about 8:30 a.m. At or about 10:33 a.m. Respondent removed 2 mg Dilaudid for patient R.M. and documented she administered 1 mg at 10:33 a.m. but failed to account to 1 mg Dilaudid. Respondent documented in the nurse's notes she administered

Dilaudid to patient R.M. at 12:00 p.m. but failed to document the dose administered.

Respondent removed 2 mg Dilaudid for patient R.M. at 1:11 p.m. and documented administering 1 mg at 3:45 p.m. The Pyxis record shows 0.5 mg was administered and 1.5 mg was wasted.

- f. On or about December 15, 2006, Respondent removed 4 mg of Dilaudid at 7:49 for patient Y.C. at 7:49 a.m. and There is no documentation showing Dilaudid was administered until 11:00 a.m. At 11:00 am Respondent documented in the nurse's notes Dilaudid was given with good results but failed to indicate the dose or time Dilaudid was administered. Respondent also documented in the Medication Administration Records she administered 1 mg Dilaudid to patient Y.C. at 11:00 a.m. The Pyxis record shows Respondent removed 2 mg Dilaudid for patient Y.C. at 11:05 a.m. Respondent stated she might have administered 2 mg Dilaudid at 11:00 a.m. but only documented she administered 1 mg. Respondent failed to account for all the Dilaudid removed for patient Y.C. between 7:49 a.m. and 11:05 a.m.
- g. On or about December 17, 2006, Respondent removed 2 mg Dilaudid for patient T.T. There is no physician's order for Dilaudid or documentation showing Dilaudid was given or accounting for the Dilaudid removed. Respondent discharged patient T.T. at 6:00 p.m. and removed two Percocet for patient T.T. at 6:11 p.m. There is no physician's order for Percocet or accounting for the Percocet removed.
- 5. The Board received a complaint on or about January 22, 2008 from Avalon reporting Respondent quit and walked out when she along with other staff members were asked to submit to a for cause drug screen following discrepancies with a patient's Fentanyl Patch.

 Other concerns related to Respondent included a co-worker observing Respondent searching online for information about how long narcotics stayed in the system. According to Respondent, she refused to have a drug screen because she resigned before she was told to have drug screens.

- 6. From or about July 2007 to January 22, 2008, Respondent worked as a registered nurse at Avalon Health and Rehabilitation Center (Avalon) in Tucson, Arizona.
- 7. On or about September 17, 2008, Respondent was issued an Interim Order for a substance abuse evaluation.
- 8. On or about September 26, 2008, Respondent had a substance abuse evaluation with Cheryl Martin, Ed.D. LPC. The results of the assessment and testing indicated Respondent has a low probability of having a substance dependence disorder. Dr. Martin did not recommend any work restrictions or that Respondent's nursing practice should be monitored.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 (16) (d) and (j) and A.A.C. R4-19-403 (B) (1), (7), (8b), (9), and (31) (adopted effective November 13, 2005).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 15 of the Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Chenyl Ann Jordan RO
Respondent: Cheryl Ann Jordan

Dated: 3/9/9

ARIZONA STATE BOARD OF NURSING

SEAL

Jour Ridenow Roman Jaan

Joey Ridenour, R.N., M.N., F.A.A.N. Executive Director

Dated: November 19, 2008

Twigg/Jordan

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of this Order and waiver of public hearing is accepted.
- B. Respondent's license is placed on probation for eighteen months. Prior to termination of probation, Respondent shall work as a registered nurse for a minimum eighteen months, (not less than sixteen hours a week).
- C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.
- D. If Respondent is noncompliant with any of the terms of the Order during the eighteen month probation portion of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.
- E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.
 - F. The probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Stamping of License

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "PROBATION." While this Order is in effect, if the Board issues any

certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

2. <u>Drug Testing</u>

Within 7 days of the effective date of this Order and throughout the term of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month, for a period of 6 months, thereafter a minimum of once per month, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board.

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3. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

4. Quarterly Reports

Within 30 days of the effective date of this Order, and quarterly thereafter,
Respondent shall cause every employer Respondent has worked for to submit to the Board, in
writing, quarterly employer evaluations on the Board-approved form. In the event Respondent is
not employed in nursing or attending school during any quarter or portion thereof, Respondent
shall submit to the Board, in writing, a self-report describing other employment or activities on
the Board-approved form.

Receipt of confirmation of employment disciplinary action, including written counseling(s), suspension, termination or resignation in lieu of termination from a place of employment, any of which pertains to improper patient care, unsafe practice, inappropriate medication removal or administration, sub-standard documentation, or impairment on duty,

positive drug test showing evidence of any drug other than an authorized drug, and/or refusal to submit to an employer requested drug screen/testing, shall be investigated by Board staff and reviewed and substantiated by the Board's designee. If so investigated, reviewed and substantiated, the employment disciplinary action shall be considered as noncompliance with the terms of the Order.

Failure to provide employer evaluations or if not working in nursing, self-reports, within seven days of the reporting date is non-compliance with this Order and is not subject to further review.

5. Practice Under On-Site Supervision

Respondent shall practice as a registered nurse only under the on-site supervision of a registered nurse in good standing with the Board. On-site supervision is defined as having a registered nurse present in the building while Respondent is on duty. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

6. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

7. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

8. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

9. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. If Respondent fails to execute the releases, her license shall be reviewed by the Board for consideration of possible further discipline on Respondent's license.

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10. Interview with the Board or its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

11. Renewal of License

In the event the Respondent's professional nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

12. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

13. Obey All Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil moving traffic violations are excluded.

14. Costs

Respondent shall bear all costs of complying with this Order.

15. <u>Violation of Probation</u>

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to

revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

16. <u>Voluntary Surrender of License</u>

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

25. Completion of Probation

Respondent is not eligible for early termination of this Order. Upon successful completion of the terms of probation, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

SEAL

ARIZONA STATE BOARD OF NURSING

Jory Ridenow Rom Man Jaan

Joey Ridenour, R.N., M.N., F.A.A.N. Executive Director

Dated: November 19, 2008

JR/nlt:ts

COPY mailed this 10th day of February, 2009, by First Class Mail to:

Cheryl Ann Jordan 445 S. Paseo Sarta Green Valley, AZ 85614

By: <u>Trina Smith</u> Legal Secretary

EXHIBIT B

Findings of Fact, Conclusions of Law and Order No. 1002007

ARIZONA STATE BOARD OF NURSING 4747 North 7th Street, Ste 200 Phoenix, Arizona 85014-3655 602-771-7800

IN THE MATTER OF REGISTERED NURSE LICENSE NO. RN137727 ISSUED TO:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER NO. 1002007

CHERYL ANN JORDAN,

Respondent.

Responden

On May 25, 2011, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Recommended Discipline and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014-3655. Elizabeth A. Campbell, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On May 25, 2011, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1663(F) and Notice of Charges No. 1002007 issued in this matter, the Board adopts the following Findings of Fact, Conclusions of Law, and **REVOKES** Respondent's registered nurse license.

FINDINGS OF FACT

- Cheryl Ann Jordan ("Respondent") holds Board issued registered nurse license no.
 RN137727, which expired April 1, 2010.
- 2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

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3. On or about March 9, 2009, Respondent entered into Consent Agreement and Order No. 0701060 for eighteen months Probation including the following terms and conditions:

-Submit to twice monthly random urine drug testing for 6-months, thereafter once monthly random urine drug testing,

-Submit quarterly employer performance evaluation reports or self-reports if not working as a RN.

- 4. From on or about June 2010 to January 2011, Respondent failed to submit employer performance evaluations and self-reports when not employed as a RN.
- 5. On or about July 2009 and August 2009, Respondent tested positive on urine drug screens for Oxycodone on the following dates: 7/10/09, 8/7/09, 8/19/09, 10/2/09, and 11/15/09, for which Respondent did not provide proof of a valid prescription.
- 6. On October 2, 2009 Board staff sent correspondence to Respondent informing her of her non-compliance and instruction to submit the required information within seven days or failure to provide would result in further disciplinary action.
- 7. On October 23, 2009, Board staff spoke with Respondent telephonically regarding the positive urine drug screens in July and August 2009. Respondent stated her previous doctor closed up shop and moved, no remaining office staff, office closed. Board staff informed Respondent to submit documentation indicating the date of the practice being closed, and also to submit pharmacy profiles showing who prescribed Percocet and when (all pharmacy profiles were requested). No pharmacy profiles were received.
- 8. From on or about April 13, 2010 to January 2011, Respondent failed to submit urine drug screens, and which was documented as "No Shows".

- 9. From on or about January 23, 2009 until on or about November 4, 2009, Respondent worked as registered nurse at Desert Life Rehabilitation and Care Center (DLRCC), Tucson, Arizona.
- 10. The Board received an anonymous complaint, on or about February 5, 2010, alleging Respondent was diverting narcotics from in or about November 2009 at DLRCC.
- 11. On February 9, 2010, Board Staff mailed Respondent a questionnaire with instructions to provide a written explanation regarding the nature of the complaint.
- 12. On February 23, 2010, Respondent contacted Board telephonically stating she was requesting a copy of the compliant. Respondent stated she could not respond to the complaint without more details. A copy of the complaint was mailed to Respondent.
- 13. On or about April 1, 2010, Respondent failed to renew her license as required by Consent Agreement and Order Number 0701060.
- 14. On December 15, 2010, Board Staff mailed Respondent a second questionnaire with instructions to provide a written explanation regarding the nature of the complaint. Respondent failed to respond.
- 15. On January 27, 2011, the Arizona State Board of Nursing voted to issue Notice of Charges based on the findings of facts and statue/rule violations identified in the investigative report.

CONCLUSIONS OF LAW

1. The conduct and circumstances alleged in the Findings of Fact constitute violations of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(16) "Unprofessional conduct" includes the following whether occurring in this state or elsewhere: (d), Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter, (i) Failing to comply with a stipulated agreement, consent agreement or board order, and (j) Violating a rule that is adopted by the

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board pursuant to this chapter (effective May 9, 2002); and A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(18) "Unprofessional conduct" includes the following whether occurring in this state or elsewhere:(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public, (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter (i) Failing to comply with a stipulated agreement, consent agreement or board order, and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter. (effective October 14, 2009); and specifically;

- A.A.C. R4-19-403(18) Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices; and
- A.A.C. R4-19-403 (31) Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed. (effective February 2, 2009).
- 2. The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664 (N) to suspend or revoke registered nurse license number RN137727 of Cheryl Ann Jordan to practice as a registered nurse in the State of Arizona.

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pursuant to A.R.S. § 32-1664(N), the Board hereby **REVOKES** registered nurse license number RN137727 issued to Cheryl Ann Jordan.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or review within 30 days after service of this decision with the Arizona State Board of Nursing.

The motion for rehearing or review shall be made to the attention of Vicky Driver, Arizona State

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Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655, and must set forth legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.

For answers to questions regarding a rehearing, contact Vicky Driver at (602) 771-7852. Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial review of this decision.

This decision is effective upon expiration of the time for filing a request for rehearing or review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

Respondent may apply for reinstatement of said license pursuant to A.A.C. R4-19-404 after a period of five years.

DATED this 25th day of May, 2011.

ARIZONA STATE BOARD OF NURSING

Jour Ridenow Rom An Jaan

Joey Ridenour, R.N., M.N., F.A.A.N. Executive Director

COPIES mailed this 2nd day of June, 2011, by Certified Mail No. 7009 0080 0000 0431 7322 and First Class Mail to:

Cheryl Ann Jordan 445 S Paseo Sarta Green Valley AZ 85614

By: Vicky Driver